

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 Ernest Guardado,

4 Plaintiff,

5 v.

6 Charles Daniels, *et al.*,

7 Defendants.

Case No. 2:21-cv-01248-RFB-EJY

ORDER

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9 On October 25, 2023, the Court denied Plaintiff's application to proceed *in forma pauperis*
10 ("IFP") for inmates as moot and directed Plaintiff to file an IFP application for non-prisoners or pay
11 the \$402 filing fee. ECF No. 7. On October 26, 2023, the Court's Order was returned as
12 undeliverable because Plaintiff was no longer at Ely State Prison. ECF No. 8. Plaintiff filed an
13 updated address on October 27, 2023. ECF No. 9.

14 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court must send Plaintiff a
15 copy of the Court's October 25, 2023 Order (ECF No. 7).

16 IT IS FURTHER ORDERED that on or before **February 21, 2024**, Plaintiff must either: (1)
17 file a complete application to proceed *in forma pauperis* for non-prisoners; or (2) pay the filing fee
18 of \$402.

19 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
20 form application to proceed *in forma pauperis* by a non-prisoner, as well as the document entitled
21 information and instructions for filing an *in forma pauperis* application.

22 IT IS FURTHER ORDERED that failure to either pay the \$402 filing fee or file a complete
23 application to proceed *in forma pauperis* by a non-prisoner on or before **February 21, 2024**, will
24 result in a recommendation to dismiss this action **without prejudice**. A dismissal without prejudice

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1 allows Plaintiff to file his case with the Court, under a new case number when he is able to file an
2 application to proceed *in forma pauperis* for non-prisoners.

3 DATED this 27th day of November, 2023.

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5 ELAYNA J. YOUCRAH
6 UNITED STATES MAGISTRATE JUDGE

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